

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SUEDE JEFFREY SHUTTLE,

Defendant.

CR 19–59–M–DWM

ORDER

On October 26, 2022, a Petition for Warrant for Offender Under Supervision was issued alleging three violations of the terms of Defendant Suede Jeffrey Shuttle’s supervised release. (*See* Doc. 55.) After his initial appearance but prior to a final hearing, Shuttle’s counsel filed a motion to begin competency restoration procedures. (Doc. 62.) On December 19, 2022, a Competency Evaluation Report was completed by Elizabeth A. Christiaens, Psy.D. (*See* Docs. 66, 68-1.) In that report, Dr. Christiaens opined that Shuttle’s “paranoid and delusional beliefs . . . negatively impacted his understanding of, and appreciation for, his current legal case and his expectations about the potential outcome,” as well as his ability to consult with and assist his attorney. (Doc. 68-1 at 7.) She further concluded that his “symptoms also impaired his ability to identify and logically weigh evidence

for and against him, to discuss and consider strategies for his defense, and to engage in rational legal discussion or decision-making.” (*Id.*) Dr. Christiaens therefore believes that Shuttle is not currently competent but that competence restoration may be possible given his prior positive response to psychiatric medication. (*Id.*)

A competency hearing was held on January 17, 2023. (*See* Min. Entry, Doc. 71.) The United States was represented by Assistant United States Attorney Jennifer Clark. Shuttle was represented by John Rhodes. At that hearing, counsel stipulated to the findings and recommendation in the Report. Shuttle also requested an opportunity to speak at the hearing, asserting that his constitutional rights have been violated, an uncertainty as to the end-goal of the process, and that he continues to hear voices from the FBI, CIA, or aliens. Shuttle also demanded his release and indicated that the proceedings do not make any sense to him. Finally, Shuttle indicated that he does not feel comfortable taking his medication, stating “No, I do not want to take medicine” and “I don’t need medication.” A sealed transcript of the hearing is filed in the docket.

Based on counsel’s stipulation, the contents of Dr. Christiaens’s evaluation, and Shuttle’s in-court statements, a preponderance of evidence supports the conclusion that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent, such that he cannot understand the nature and

consequences of the proceedings against him or properly assist in his defense.

Accordingly,

IT IS ORDERED that Suede Shuttle is committed to the custody of the Attorney General for hospitalization and treatment at a suitable facility to determine if there is a substantial probability that in the foreseeable future he will attain the capacity to permit this case to go forward. 18 U.S.C. § 4241(d). The defendant is hereby committed for this purpose for a reasonable time period, not to exceed four months.

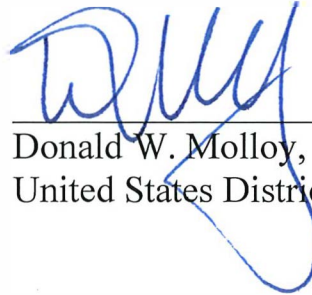
IT IS FURTHER ORDERED that the Bureau of Prisons shall designate a facility within seven (7) days of this Order and make a bed available within thirty (30) days of designation.¹ The United States Marshal shall transport the defendant to the designated facility within ten (10) days of being informed that a bed is available. The Attorney General or his representative at the facility to which the defendant is committed shall promptly notify the Court of the determination made regarding the probability that the defendant will regain capacity to proceed in the foreseeable future.

IT IS FURTHER ORDERED that once a facility is designated, the Clerk of

¹ While the Court is aware of the resource limitations of the Bureau of Prisons, delay in the process will not be tolerated. *See United States v. Lambson*, 9:22-cr-22-DWM, Doc. 25 (December 1, 2022).

Court is directed to provide the facility with a copy of this Order and the sealed transcript.

DATED this 17th day of January, 2023.



Donald W. Molloy, District Judge
United States District Court